

# PLANNING COMMISSION MINUTES

July 26, 2000

## CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:03 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Betty Bode, Sharon Dunham, Chuck Heckman, Eric Johansen and Vlad Voytilla.

City Engineer Terry Waldele, Senior Planner Bill Roth, Associate Planner Colin Cooper, AICP, Transportation Planner Margaret Middleton, Planning Technician Michael Liefeld, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

## VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

On question, staff indicated that they had no communications to submit at this time.

## NEW BUSINESS:

### PUBLIC HEARINGS:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1     **A.     CPA 2000-0003 - COMPREHENSIVE PLAN TRANSPORTATION**  
2     **ELEMENT MODIFICATION**

3     CPA 2000-0003 amends the Transportation Element of the City of Beaverton  
4     Comprehensive Plan to clarify text and enable the inclusion of transportation  
5     projects in the City's Capital Improvement Program (CIP) for funding even if they  
6     do not specifically appear in the Transportation Element's tables and figures. The  
7     projects in the Transportation Element were identified through the long-range  
8     transportation analysis that was performed during development of the City's  
9     Transportation System Plan. The smaller maintenance, development-related,  
10    interim and similar type projects are not appropriate for inclusion in the  
11    Comprehensive Plan. They are identified in the CIP. The amendment allows such  
12    CIP projects to proceed, as approved, when the City Council adopts or amends the  
13    CIP.

14  
15    City Engineer Terry Waldele presented the Staff Report and briefly summarized  
16    this amendment that had been prompted by a project that had been proposed for  
17    pedestrian safety improvements on SW 155<sup>th</sup> Avenue. He noted that the City  
18    Attorney had determined that the project could not be funded because it had not  
19    been specifically identified within the Comprehensive Plan Transportation  
20    Element. He observed that this amendment would eliminate the need for  
21    Comprehensive Plan Amendments prior to funding any future projects of this type.

22  
23    Transportation Planner Margaret Middleton observed that the proposed  
24    amendment included in the Staff Report was approved by the City Attorney and  
25    provided appropriate language to resolve this issue.

26  
27    Commissioner Heckman referred to line 3, page 2 of the proposed draft  
28    amendment, suggesting the following amendment: "...budget that the City  
29    Council deems necessary...".

30  
31    Mr. Waldele agreed that Commissioner's Heckman's suggestion is appropriate.

32  
33    Commending staff in their preparation of a good Staff Report, Chairman Maks  
34    observed that while Commissioner Heckman had only one question, he had none.

35  
36    **PUBLIC TESTIMONY:**

37  
38    On question, no member of the audience testified.

39  
40    On question, staff had no further comments at this time.

41  
42    City Attorney commented that while this amendment may be appropriate and  
43    helpful in some context, it is also redundant and may raise other issues because  
44    only the City Council has the authority to spend money.

45  
46    The public portion of the Public Hearing was closed.

1 On question, all Commissioners expressed support of this application.

2  
3 Commissioner Johansen **MOVED** and Commissioner Heckman **SECONDED** a  
4 motion to approve CPA 2000-0003 – Comprehensive Plan Transportation  
5 Element Modification, based upon the testimony, reports and exhibits presented  
6 during the public hearing on the matter and upon the background facts, findings  
7 and conclusions found in the Staff Report dated July 26, 2000, including an  
8 amendment on line 3, page 2 of the proposed draft amendment, as follows:  
9 “...budget that the City **Council** deems necessary...”.

10  
11 Motion **CARRIED**, unanimously.

12  
13 7:10 p.m. – Mr. Waldele and Ms. Middleton left.

14  
15 **OLD BUSINESS:**

16  
17 **CONTINUANCES:**

18  
19 **A. RZ99-00020 - CORNELL ROAD REZONE OF TAX LOT 100**

20 *(Request for continuance to August 2, 2000)*

21 Request for approval of a Rezone (RZ) to change the City’s zoning designation  
22 from Office Commercial (OC) to Community Service (CS) on an approximately  
23 2-acre parcel located on the north side of Cornell Road, between 167th Place and  
24 Twin Oaks Drive. The development proposal is located on Assessor’s Map 1N1-  
25 31AA, on Tax Lot 100, and is currently zoned Office Commercial (OC). The site  
26 is approximately 2.37 acres in size.

27  
28 Associate Planner Colin Cooper observed that the applicant has requested a  
29 continuance until August 2, 2000.

30  
31 On question, Mr. Cooper advised Commissioner Heckman that the applicant had  
32 extended the 120-day rule.

33  
34 Commissioner Bode **MOVED** and Commissioner Johansen **SECONDED** a  
35 motion that the Public Hearing for RZ 99-00020 – Cornell Road Rezone of Tax  
36 Lot 100 be continued to a date certain of August 2, 2000.

37  
38 Motion **CARRIED**, unanimously.

39  
40 **B. TPP 99-00008 -- WATERHOUSE 5 SUBDIVISION MODIFICATION**  
41 **TREE PRESERVATION PLAN**

42 *(Continued from June 14, 2000)*

43 The following land use application has been submitted for property located at the  
44 SW corner of SW Spring Water Lane and SW 167th Ave. The applicant requests  
45 Tree Preservation Plan approval to remove trees within an area identified as a  
46 “significant grove” on Beaverton’s Inventory of Significant Trees. The Tree

1 Preservation Plan is proposed with this project to evaluate the removal of all the  
2 trees as a result of the condition of the trees and the proposed residential  
3 development. The site is zoned Urban Standard Density (R-7) and is identified as  
4 Washington County Assessor's Map 1S1-06AA, Tax Lot 6100.

5

6 Observing that he had not been present when the Public Hearing had been opened,  
7 Commissioner Johansen commented that he does not intend to participate in this  
8 decision.

9

10 Mr. Cooper presented the Staff Report and reminded the Commissioners that the  
11 request is to remove all of the trees on this site for the purpose of the development  
12 of this site. He described the site and the grove involved in this action, observing  
13 that the Public Hearing had been held on June 14, 2000 and continued to allow  
14 members of the Five Oaks/Triple Creek NAC the opportunity for more  
15 involvement. He described a meeting that had taken place on the site on May 11,  
16 1999, emphasizing that this meeting had met the applicable criteria of the  
17 Neighborhood Review Meeting and was accessible to the public. He explained  
18 that at the request of the Planning Commission, Planning Director Joe Grillo and  
19 himself had made a presentation to this NAC, adding that no adjacent neighbors  
20 had attended this NAC meeting. He discussed the CC&Rs, the accuracy of the  
21 tree survey and the feasibility of the tree preservation, and offered to respond to  
22 any questions or comments.

23

24 Commissioner Heckman referred to Tree No. 14, observing that while it had  
25 originally been included among the trees to be preserved, it appears to have been  
26 replaced by Tree No. 28. He requested clarification of the possibility that Tree  
27 Nos. 20, 22 and 23 may also be preserved.

28

29 Mr. Cooper stated that several of the trees outside of the proposed building site  
30 may possibly be saved, adding that because they are not that significant, they had  
31 not been included in his original Staff Report. He mentioned that a proposal for  
32 the redesign of the storm water system, allowing for the possible preservation of  
33 Tree No. 14. On question, he advised Commissioner Heckman that Tree Nos. 20,  
34 22 and 23 consist of two willows and an alder.

35

36 Commissioner Heckman pointed out that regrading the area would eliminate some  
37 of the moisture that is necessary for the willows.

38

39 Mr. Cooper agreed that de-watering the site would create an impact such as this,  
40 adding that the City Arborist believes that the Oregon White Oak has the capacity  
41 to survive in that northwest corner.

42

43 Commissioner Barnard requested clarification of which trees would be preserved.

44

45 Mr. Cooper observed that the Oregon White Oaks, Tree Nos. 00 and 04, at the  
46 northwestern corner of the site would very likely be preserved.

1 Chairman Maks requested clarification that the applicant could be required to cut  
2 only those trees that are necessary for the grading and installation of the building  
3 pads, adding that the others would remain until building permits are issued.  
4

5 Mr. Cooper referred to two applicable code provisions, noting while the  
6 subdivision would allow preservation of trees outside of the building pad, the tree  
7 preservation plan could require that no more than five percent of the trees in the  
8 inventory be preserved or allow removal of all of the trees.  
9

10 Chairman Maks referred to the Staff Report dated June 7, 2000, specifically  
11 Condition of Approval No. 1 which states that they shall preserve Tree Nos. 00,  
12 04, 14 and 27. He mentioned that it has now been determined that Tree No. 14 is  
13 "iffy", and Tree Nos. 20, 22, 23 and 28 may now be preserved, and questioned the  
14 possibility of conditioning this to provide that Tree Nos. 14, 20, 22, 23 and 28 not  
15 be removed until a building permit is issued.  
16

17 Mr. Cooper recommended that this condition be included, adding that the  
18 applicant should also be required to consult with the City Arborist.  
19

20 **APPLICANT:**  
21

22 **MIKE PRUETT**, 5200 SW Macadam Avenue, Suite 580, Portland, OR, 97201,  
23 representing Harper, Houf, Righellis, discussed issues with the arborist's report.  
24 He observed that the arborist was not available to attend tonight and explained the  
25 applicant's efforts to preserve as many perimeter trees as possible. He discussed  
26 the issue of the elbow in the storm drain, noting that this will require an additional  
27 manhole at some point.  
28

29 Commissioner Voytilla questioned a specific pipe coming out of a catch basin on  
30 Springwater Lane, and Mr. Pruitt advised him that because the site has no storm  
31 drain or sanitary sewer, he is not certain what the function of this pipe is.  
32

33 Commissioner Heckman observed that the applicant has indicated a willingness to  
34 accept more than was originally specified for trees on a contingency basis, and  
35 referred to Tree No. 14 in this four-lot subdivision.  
36

37 Mr. Pruett advised Commissioner Heckman that the subdivision includes only  
38 three lots, adding that Tree No. 14 will be difficult to preserve.  
39

40 Commissioner Heckman questioned the status of Tree Nos. 27 and 28.  
41

42 Mr. Pruett described these trees, which are located in the southeast corner of the  
43 site, and explained the status of these trees. He noted that the trunk of Tree No.  
44 27 appears to lie outside the wetland area and would not necessarily be affected  
45 by the removal of the organic material. He stated that Tree No. 28 is directly  
46 within the wetland area and would be removed. He agreed that the proposed

1 storm drainage will dramatically change the hydrological nature of the site, and  
2 some of the willows, particularly the smaller, younger trees, will have a difficult  
3 time surviving, while the more mature White Oaks will have an easier time.

4  
5 Commissioner Heckman requested whether the White Oaks are the heartiest of  
6 the trees on the site.

7  
8 Observing that he is no tree expert, Mr. Pruett stated that the White Oaks and ash  
9 provide a more valuable habitat than the willows.

10  
11 Commissioner Barnard referred to the previous minutes, requesting clarification  
12 of whether Mr. Kim was the original developer of this site.

13  
14 Mr. Pruett advised Commissioner Barnard that Mr. Kim had inherited this  
15 development in early 1980's when Benjamin Franklin had defaulted.

16  
17 Commissioner Barnard mentioned that the neighbors had expressed concerns  
18 regarding the street trees and requested clarification of Mr. Kim's intentions on  
19 this issue.

20  
21 Mr. Pruitt advised Commissioner Barnard that one of the Conditions of Approval  
22 provides that these street trees be planted prior to construction

23  
24 **PUBLIC TESTIMONY:**

25  
26 **DEE CARLSON**, 16750 SW Springwater Lane, Beaverton, OR 97006,  
27 observed that her and her husband own the lot immediately west of the proposal.  
28 She assured the Commissioners that she has no intention of repeating previous  
29 testimony, and requested that the record reflect that she objects to discussing this  
30 issue without an arborist present, as requested, emphasizing that this Public  
31 Hearing had been continued for this purpose. She expressed concern with the  
32 effect of the proposed changes in the storm drain on her property.

33  
34 Commissioner Heckman expressed his agreement with Ms. Carlson, emphasizing  
35 that an arborist should be involved in this discussion.

36  
37 Chairman Maks expressed his agreement with Ms. Carlson and Commissioner  
38 Heckman, observing that although this had been requested, not many arborists are  
39 available and they are often booked in multiple jurisdictions. He pointed out that  
40 the City Arborist has visited the site and provided his opinion. He observed that  
41 while the storm drain issues are a valid concern, they are not appropriate to  
42 address at this Public Hearing, and suggested that she follow up with staff.

43  
44 **MARK DANE**, 16135 NW Ramona Drive, Beaverton, OR 97006, representing  
45 Tammy and Ron Engusether, mentioned that he does have some expertise in this  
46 area. He noted that as a land use planner with his own independent company, in

1 the past he has been employed by both Alpha Engineering and WRG Design. He  
2 stated that he has been very involved in tree removal, litigation and preservation  
3 in a number of projects throughout the metropolitan area. He mentioned that his  
4 clients had expressed concern with the loss of trees in their back yard, as well as  
5 proceedings that they do not consider ethical. He emphasized that while this had  
6 been originally identified as a significant grove of trees, something had caused a  
7 change in this determination. He referred to a substance that he had observed in  
8 the Spring of 2000, specifically a form of concrete treatment that occurs when  
9 wetlands are filled. He explained that the addition of this concrete basically  
10 absorbs all of the water and basically removes any existing vegetation, allowing  
11 for construction.

12  
13 Chairman Maks reminded Mr. Dane that the topic is a Tree Preservation Plan, and  
14 does not involve a wetland issue.

15  
16 Mr. Dane apologized, agreeing that sometimes trees do need to be removed due  
17 safety and health issues. He observed that generally trees are determined  
18 unhealthy due to decay, pointing out that coniferous trees die from the top. He  
19 stated that he had observed no evidence that any of these trees are dying, adding  
20 that he had actually seen significant new growth and vegetation. He referred to  
21 the individual tree assessment, noting that they had been labeled 00 through 48,  
22 expressing his opinion that it is interesting that an assessment of 48 trees, without  
23 even one exception, has determined that every single tree needs to be removed.  
24 He stated that he questions the possibility that every one of these trees has  
25 something wrong with it. Observing that he understands the applicant's desire to  
26 develop this property, he stressed that this had been initially determined to be a  
27 significant grove of trees, adding that those trees have been maintained, the  
28 wetland has been preserved and the habitat maintained. Emphasizing that he is  
29 not an arborist, he stated that he is merely questioning this issue, and requested a  
30 continuance for the purpose of consulting the arborist.

31  
32 Chairman Maks requested that Mr. Dane summarize his testimony.

33  
34 Mr. Dane apologized, noting that these trees present no public or safety hazard,  
35 adding that because the neighbors consider them an asset, they should be retained  
36 as intended in original approval. He submitted his illustrations of the concrete  
37 treatment, wildlife habitat and the trees on the site.

38  
39 Observing that they do not all involve the trees, Chairman Maks accepted the  
40 illustrations.

41  
42 On question, Mr. Dane informed Chairman Maks that he had not been aware that  
43 the original subdivision approval had not included a Tree Preservation Plan.

44  
45 Chairman Maks advised Mr. Dane that he does not have all of the applicable  
46 information necessary to make these statements.

1 On question, Mr. Dane advised Commissioner Heckman that he had noticed the  
2 new growth on the White Oak and some of the coniferous trees.

3  
4 Commissioner Heckman questioned the presence of new growth on the coniferous  
5 trees at this time.

6  
7 Mr. Dane informed Commissioner Heckman that the new growth on the  
8 coniferous trees had occurred from the trunks during the spring, and referred to  
9 the illustrations he had submitted.

10  
11 Commissioner Heckman advised Mr. Dane that new growth from the trunk of a  
12 coniferous tree is a clear indication that the tree is stressed.

13  
14 Mr. Dane expressed concern with the limited ability to retain a single tree from  
15 this entire grove.

16  
17 Commissioner Dunham questioned the location of the house of the friends that  
18 Mr. Dane represents.

19  
20 Mr. Dane informed Commissioner Dunham that his friends, the Engusethers, live  
21 at 490 SW 169<sup>th</sup> Place.

22  
23 Commissioner Dunham observed that approximately half of their property backs  
24 up to the open space of the proposed development. She referred to the arborist's  
25 report, which included 26 Ash, 6 Oak, 4 Hawthorne and 13 Willows, emphasizing  
26 that there had been no mention of any coniferous trees.

27  
28 Mr. Dane clarified that he had observed the new growth on the Ash and White  
29 Oak, noting that he had not actually entered the wetland.

30  
31 Commissioner Dunham commented that Willows are very fast growing, unstable  
32 and easily subject to damage, adding that they are not easily preserved.

33  
34 Chairman Maks mentioned that the Engusethers had been disturbed by the loss of  
35 trees in their back yard and requested clarification of whether the development  
36 proposes to cut trees in their back yard.

37  
38 Mr. Dane clarified that the Engusethers had expressed concern with the loss of  
39 trees on the adjacent property.

40  
41 Referring to Mr. Dane's experience relative to trees, Commissioner Voytilla  
42 questioned whether any attempt had been made to discuss the situation with the  
43 arborist.

44



1 Mr. Dane advised Commissioner Voytilla that he had not known which arborist  
2 was involved, adding that he now has the information and can discuss the issue  
3 with him.

4  
5 Commissioner Voytilla asked Mr. Dane when he had first reviewed this  
6 information and was informed that he had only looked at the information prior to  
7 this meeting and had not had the benefit of the arborist's report. He mentioned  
8 that he is particularly disturbed by the concrete treatment of the water.

9  
10 **APPLICANT REBUTTAL:**  
11

12 Mr. Pruett observed that some comments by the public had already addressed by  
13 the Commissioners, and referred to the request for a continuance. Expressing his  
14 opinion that the presence of an arborist would be of little value, he explained that  
15 even if every tree is completely healthy, it is still necessary to drain and excavate  
16 the lots for development purposes.

17  
18 On question, Mr. Cooper indicated that he has no specific comments at this time  
19 and offered to address any of Mr. Dane's concerns. He advised Chairman Maks  
20 that there had been no initial Tree Preservation Plan in the preliminary approval  
21 for Waterhouse South in 1986, adding that the tract had been created outside of  
22 the tree grove for wetland preservation, as described by the applicant.

23  
24 Chairman Maks emphasized that regardless of whether significant groves or tree  
25 preservation plans were present, this particular section had not been set aside for  
26 preservation.

27  
28 Mr. Cooper informed Chairman Maks that this is correct.

29  
30 Chairman Maks observed that while he is concerned with the wetland issues, that  
31 will be addressed by the Division of State Lands.

32  
33 Mr. Cooper referred to the letter from the Angusethers, adding that this letter is  
34 part of the record. He mentioned that the applicant has a wetland delineation that  
35 had been made prior to the placement of this agent into the wetland, adding that  
36 the mitigation is actually based on wetland delineation performed by Shapiro in  
37 1999.

38  
39 On question, Mr. Naemura indicated that he had no comments at this time.

40  
41 The public portion of the Public Hearing was closed.

42  
43 Commissioner Dunham stated that she would like some consensus on clearcutting  
44 versus the original Condition of Approval, adding that she is less likely to  
45 consider the willow trees. She mentioned that the City Arborist had indicated  
46 Tree Nos. 18 and 39 at one point.

1 Mr. Cooper advised Commissioner Dunham that while he doesn't recall these  
2 specific trees, he could refer to the Staff Report, although he believes that the City  
3 Arborist had been in favor of preserving Tree Nos. 00 and 04.

4  
5 Commissioner Dunham agreed that Tree Nos. 00 and 04 should be preserved for  
6 certain, adding that she would like to discuss the others.

7  
8 Chairman Maks stated that he would like to preserve Tree Nos. 00, 04 and 27,  
9 adding that he would like to attempt to preserve the other trees identified by the  
10 City Arborist, specifically Tree Nos. 20, 22, 23 and 28, if possible. He  
11 emphasized that these would be done separately during the development permit  
12 process.

13  
14 Commissioner Heckman expressed his opinion that Tree No. 14 definitely needs  
15 to be removed, adding that he would not attempt to preserve Tree Nos. 20, 22 and  
16 23, which are willows. He advised that these willows should be removed and  
17 others planted to replace them, and pointed out that the preservation of these  
18 single trees actually creates a burden for any potential homeowner. He suggested  
19 the preservation of Tree Nos. 00, 04, 27 and 28.

20  
21 Commissioner Bode expressed her agreement with Commissioner Heckman's  
22 proposal to preserve Tree Nos. 00, 04, 27 and 28, adding that while she is not  
23 entirely certain of the practicality, the homeowner can remove these trees  
24 following the acquisition of their property.

25  
26 Commissioner Voytilla expressed his agreement with Commissioner Heckman's  
27 proposal for the preservation of Tree Nos. 00, 04, 27 and 28.

28  
29 Commissioner Barnard expressed his appreciation of the public testimony,  
30 particularly Mr. and Mrs. Carlson's efforts, adding that he supports Commissioner  
31 Heckman's proposal to preserve Tree Nos. 00, 04, 27 and 28.

32  
33 Commissioner Dunham stated that she would still like to receive response from  
34 the City Arborist regarding Tree Nos. 18 and 39.

35  
36 Chairman Maks noted that action must be taken on the request for a continuance.

37  
38 Commissioner Bode expressed her opinion that there appears to be some issue of  
39 credibility, emphasizing that the arborist should be available to discuss this issue.

40  
41 Mr. Cooper advised Commissioner Maks that the applicant had agreed to abide by  
42 their original indefinite waiver of the 120-day rule, adding that this can be  
43 rescinded by the applicant.

44  
45 Mr. Naemura discussed the request for a continuance, suggesting that Mr. Dane  
46 could withdraw this request.

1 Commissioner Heckman observed that counsel has made a valid point, adding  
2 that he does not see the necessity of a continuance for additional information.

3  
4 Chairman Maks expressed his agreement that a continuance is unnecessary.

5  
6 Commissioner Dunham expressed her agreement that a continuance is  
7 unnecessary, adding that she is disappointed that the arborist was not available.

8  
9 Commissioner Barnard stated that he concurs with Chairman Maks.

10  
11 Chairman Maks suggested that any Commissioners in favor of a continuance say  
12 "Aye". There was no response.

13  
14 Mr. Naemura observed that the Public Hearing must be continued or the record  
15 held open for seven days, which is the statutory minimum, suggesting that Mr.  
16 Dane be requested to withdraw his request for a continuance.

17  
18 At the request of Chairman Maks and based upon the evidence and information he  
19 had received at the Public Hearing, Mr. Dane withdrew his request for a  
20 continuance, expressing his opinion, however, that it had been a valid request.

21  
22 Chairman Maks expressed his appreciation to Mr. Dane, adding that Mr. Naemura  
23 had been correct in his assessment of the situation.

24  
25 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a  
26 motion to approve TPP 99-00008 – Waterhouse 5 Subdivision Modification Tree  
27 Preservation Plan, based upon the testimony, reports and exhibits presented  
28 during the public hearing on the matter and upon the background facts, findings  
29 and conclusions found in the Staff Report dated June 14, 2000, including  
30 Conditions of Approval Nos. 1 through 5, to be modified, as follows:

- 31  
32 1. ~~Tree #14 – White Oak with a 10-inch DBH~~  
33 Tree #28 – Oregon Ash with a 14-inch DBH  
34  
35 4. The applicant shall have a consulting arborist on site when grading  
36 and construction occurs around the ~~five~~ **four** trees recommended  
37 for preservation.

38  
39 Motion **CARRIED**, unanimously, Johansen abstained.

40  
41 8:23 to 8:37 p.m. – break.

42  
43 **NEW BUSINESS:**

44  
45 **PUBLIC HEARINGS:**  
46

1     **A. APP 2000-0009 -- CASCADE ENFORCEMENT AGENCY (APPEAL**  
2     **OF HOP 2000-0002)**

3     An appeal of the Planning Director's approval with conditions of HOP2000-0002,  
4     which limits the number of commercial security vehicles stored at the premises.  
5     The applicant had requested to store multiple commercial security vehicles  
6     containing graphics and advertising for the applicant's business on the premises  
7     and in the public right-of-way in front of the premises. The appeal specifically  
8     addresses the condition of approval which restricts the number of vehicles and  
9     exterior display and advertising for the applicant's business. The site of the  
10    Home Occupancy Permit is located within the R-7 (Residential Urban Standard  
11    Density) zone. Map 1S1-26BB, Tax Lot 5200; 10435 SW Homestead Lane.

12  
13    Commissioner Bode observed that during her site visit, she had contact with Sarah  
14    Baldwin, adding that while they had not discussed any specific issues, she had  
15    provided Ms. Baldwin with information regarding the scheduled Public Hearing.

16  
17    Commissioner Voytilla observed that he has a business relationship with a  
18    member of the audience, Mr. Gillaspie, adding that this will not influence his  
19    decision.

20  
21    On question, Planning Technician Michael Liefeld indicated that no film of the  
22    site is available.

23  
24    On question, Commissioners Heckman, Bode, Voytilla, Dunham and Johansen  
25    and Chairman Maks indicated that they had visited the site.

26  
27    Mr. Liefeld introduced Senior Planner Bill Roth and presented the Staff Report,  
28    observing that the applicant is also the appellant. He addressed the three issues  
29    included in the appellant's statement, adding that staff recommends that the appeal  
30    be denied and the decision upheld.

31  
32    Chairman Maks complimented Mr. Liefeld on his good presentation.

33  
34    Commissioner Heckman expressed his opinion that while the issue had been  
35    somewhat difficult to sort out, he concurs with the recommendation of staff.

36  
37    **APPLICANT/APPELLANT:**

38  
39    **BLAKE JONAS**, 10435 SW Homestead Lane, Beaverton, OR 97008, stated that  
40    while the applicant has no problem with the conditions, it is necessary to have  
41    more than one vehicle available in case one breaks down. He stated that off-street  
42    parking is available and that he can furnish parking for cars off of the street that  
43    would not be visible from other locations. He mentioned that he has been in  
44    operation for over a year and had not been aware of any requirements he needed to  
45    fulfill prior to being contacted several months ago. He emphasized that as soon as  
46    he had been contacted, he had submitted an application, paid the applicable fees

1 and addressed the necessary issues. On question, he informed Commissioner  
2 Heckman that he utilizes three vehicles, all of which could be potentially in use at  
3 the same time.

4  
5 Commissioner Heckman expressed concern with the sign issue, suggesting that  
6 magnetic signs could be an option.

7  
8 On question, he advised Commissioner Voytilla that the vehicles are dispatched  
9 from the site, adding that they are gone from approximately 7:00 p.m. or 8:00 p.m.  
10 until approximately 7:00 a.m. He emphasized that they do not sit at the residence  
11 and wait for a call, adding that he generally takes care of the dispatching of  
12 vehicles that are already gone from the site and that if a problem occurs, he will go  
13 out in his personal vehicle.

14  
15 Commissioner Voytilla questioned how the applicant deals with the difficult turn  
16 in that cul de sac, and was advised by Mr. Jonas that he has been working with Mr.  
17 Liefeld to have the vehicles located off of the site.

18  
19 Observing that she had visited the site this evening, Commissioner Bode stated  
20 that the turn had been difficult due to the boat and SUV that had been parked  
21 there.

22  
23 Mr. Jonas stated that he had just returned from a trip to Eugene with his boat,  
24 adding that one of the vehicles belongs to his roommate, who is a reserve police  
25 officer for Beaverton.

26  
27 Commissioner Barnard expressed his opinion that Mr. Jonas should feel a sense of  
28 responsibility to maintain his lifestyle in a manner that allows his street to be  
29 usable and accessible to the public.

30  
31 Mr. Jonas expressed his agreement, adding that he sometimes has visitors, as do  
32 other residents of the street.

33  
34 Commissioner Barnard referred to the vehicle with signage, questioning how  
35 many vehicles are located at the residence.

36  
37 Mr. Jonas stated that a boat and two security vehicles are located at the site, as  
38 well as one personal vehicle each for his roommate and himself.

39  
40 Chairman Maks observed that even with the vehicles located off site, employees  
41 must drive into the site to pick up their equipment and questioned who was driving  
42 the unmarked vehicle at 1:00 p.m. today.

43  
44 Mr. Jonas advised him that he is not certain as he was returning from Eugene at  
45 that time. On question, he advised Commissioner Bode that although he has read  
46 them, he has not discussed the letters submitted by his neighbors with these

1 particular neighbors. Expressing his opinion that he is a great neighbor, he stated  
2 that he has kids, too, and is happy to discuss the situation with his neighbors. He  
3 observed that he is unable to address any issues that he is not aware of.  
4

5 Commissioner Heckman referred to Commissioner Bode's question of whether  
6 Mr. Jonas has discussed the situation with his neighbors and was informed that he  
7 had not.  
8

9 On question, Mr. Jonas advised Commissioner Voytilla that he had been in  
10 operation for approximately 14 months. He stated that while he would like to  
11 relocate his business where adequate parking is available, he can not afford the  
12 overhead costs at this time, although he is researching options to this problem.  
13

14 Commissioner Heckman pointed out that while two vehicles are located off site,  
15 there is no decreased traffic when the employees have to pick up and return their  
16 equipment at the site.  
17

18 On question, Mr. Jonas advised Commissioner Heckman that he has a problem  
19 with limiting the lettering on the vehicles.  
20

21 On question, Mr. Jonas informed Commissioner Dunham that the two vehicles are  
22 located off site at the adjacent mall near Party Depot.  
23

24 On question, Mr. Jonas informed Chairman Maks that his employees work 10 to  
25 12 hour shifts, starting between 7:00 p.m. and 8:00 p.m.  
26

27 On question, Mr. Jonas advised Mr. Naemura that he is correct in his  
28 understanding that the markings on the vehicles are comparable to markings on  
29 police vehicles, adding that the cost was approximately \$2,000 to \$3,000 per  
30 vehicle.  
31

32 **PUBLIC TESTIMONY:**  
33

34 **GARY MOORE**, 10405 SW Homestead Lane, Beaverton, OR, 97008, stated that  
35 he is representing his wife and himself.  
36

37 Chairman Maks stated that if Mr. Moore's wife allows him to speak on her behalf,  
38 she should talk to his wife.  
39

40 Observing that he has lived in his residence for nearly 22 years, Mr. Moore stated  
41 that he is in favor of reversing the decision regarding Cascade Enforcement  
42 Agency. He expressed his opinion that the presence of the security vehicles in his  
43 neighborhood is a valuable deterrent to crime and that the activity does not alter or  
44 disturb the residential character of the neighborhood. On question, he informed  
45 Commissioner Bode that his property is the one with the rhododendrons.  
46

1 Commissioner Bode observed that the Jones house is not actually visible from the  
2 street.

3  
4 Commissioner Maks advised Commissioner Bode that the applicant is Mr. Jonas,  
5 not Mr. Jones.

6  
7 **KIRSTEN WILLIAMS**, 10350 SW Homestead Lane, Beaverton, OR, 97008,  
8 expressed her appreciation for the decrease in the speed of the vehicles. She stated  
9 that she has no personal objection to the presence of the cars, marked or  
10 unmarked, expressing her opinion that it does provide a sense of security in the  
11 neighborhood. She observed that her concern is with the traffic and the safety of  
12 the children in the neighborhood, adding that although she believes Mr. Jonas is  
13 sincere and intends to take responsibility for the actions of his employees, it is not  
14 reasonable to assume that he can provide any guarantee.

15  
16 Commissioner Heckman referred to page 2 of Ms. Williams' letter, specifically  
17 her statement that she has no objection as long as Mr. Jonas guarantees  
18 compliance on behalf of his employees.

19  
20 Ms. Williams agreed that this is her point, stating that as long as such a guarantee  
21 can not be made, she objects to the traffic.

22  
23 On question, Ms. Williams informed Commissioner Bode that she had been a  
24 resident of this neighborhood for two and a half years.

25  
26 Commissioner Bode mentioned that there are no sidewalks in this neighborhood,  
27 and Chairman Maks advised her that this is not relevant to the Public Hearing.

28  
29 Commissioner Bode withdrew her comment, adding that it could be relevant to  
30 safety issues.

31  
32 On question, Ms. Williams informed Commissioner Dunham that the speeding  
33 problems had decreased. She mentioned that although she does not wish to  
34 interfere with Mr. Jonas' business, the increased traffic is a problem, whether the  
35 cars are marked or not.

36  
37 Commissioner Barnard questioned how the unmarked vehicles could be  
38 monitored, and was informed by Ms. Williams that even Mr. Jonas' unmarked  
39 vehicles are obviously security vehicles.

40  
41 **CORK GILLASPIE**, 10345 SW Homestead Lane, Beaverton, OR 97008,  
42 advised Chairman Maks that he is armed with a microphone.

43  
44 Chairman Maks informed Mr. Gillaspie that he has his gavel.  
45

1 Mr. Gillaspie stated that while he does not want Mr. Jonas to lose his business and  
2 he has no problem with the vehicles, marked or unmarked, there are still problems  
3 with the amount of traffic and speeding issue. He pointed out that as a business  
4 grows, there are new accounts and a need to increase the amount of vehicles. He  
5 stated that this is an aspect of the business that can not be prevented, expressing  
6 his opinion that the applicant should operate from another location.

7  
8 **RANDALL SCHWEIGER**, 3302 SW 125<sup>th</sup> Avenue, Beaverton, OR 97005,  
9 Agent Supervisor of Cascade Enforcement Agency, stated that while he  
10 understands the issues, he would like to point out that since Mr. Jonas has lived  
11 there the crime rate in the neighborhood has dwindled to nearly nothing.

12  
13 Chairman Maks questioned whether Mr. Schweiger could provide documentation  
14 providing facts regarding this alleged reduced crime rate, and was informed that  
15 he could not.

16  
17 On question, Mr. Schweiger informed Chairman Maks that he had possession of  
18 the white unmarked car about 1 p.m. today, adding that he had been parked at the  
19 site.

20  
21 On question, Mr. Schweiger advised Commissioner Dunham that he had been  
22 employed at the site for approximately four months and that in that time, four  
23 employees had either quit or been terminated.

24  
25 On question, Mr. Schweiger informed Commissioner Heckman that he is a  
26 lieutenant representing the security company.

27  
28 **JIM BALDWIN**, 10375 SW Homestead Lane, Beaverton, OR 97008, expressed  
29 his objection to the business and the vehicles involved. He mentioned that the  
30 Home Occupation Permit had been conditioned to allow for only one commercial  
31 security vehicle with no graphics to be stored on the site. He stated that since that  
32 time, there have been more security vehicles there and questioned whether this is  
33 considered compliance. He expressed his opinion that these individuals are used  
34 to driving fast in pursuit of other vehicles and that they continue to operate their  
35 own vehicles in that manner. He mentioned that he owns his own business and  
36 pays rent in excess of \$2000 per month in order to operate within the City of  
37 Beaverton. He described an incident in which a school bus had been forced to turn  
38 around in his driveway because the cul de sac had vehicles parked in it. On  
39 question, he advised Commissioner Dunham that this is a regular school bus route  
40 for the special education bus that picks up his child.

41  
42 Chairman Maks advised that the turning radius within the cul de sac is not a valid  
43 issue for this Public Hearing.

44  
45 On question, Mr. Baldwin stated that the safety of children in the neighborhood is  
46 his primary concern.



1 Observing that these vehicles have no authority for pursuit, Commissioner  
2 Heckman questioned whether this is a part of their operation and Mr. Baldwin  
3 stated that he does not have this information.  
4

5 On question, Mr. Baldwin informed Commissioner Voytilla that he had made no  
6 attempt to discuss the situation with the applicant.  
7

8 **BILL GULICK**, 10380 SW Homestead Lane, Beaverton, OR 97008, stated that  
9 as one of the oldest residents of the neighborhood, he has lived in his home for 24  
10 years. He mentioned that he operates over 70 trucks out of his busienss in  
11 Vancouver, adding that he has only one vehicle at his residence – the pickup he  
12 uses to drive back and forth to work. He stated that he has washed several of his  
13 18-wheelers in his driveway, although at 70 years of age, he does not drive the  
14 trucks very often. He expressed concern with speeding in the neighborhood,  
15 suggesting that speed bumps be installed. On question, he informed  
16 Commissioner Heckman that while the street is approximately one block from the  
17 cul de sac bulb to Scholls Ferry Road, he is not certain of the length of this block.  
18

19 Chairman Maks pointed out that there are certain methods for determining  
20 whether traffic calming devices, such as speed bumps, are necessary.  
21

22 **MARTHA MOORE**, 10405 SW Homestead Lane, Beaverton, OR 97008,  
23 observed that Chairman Maks has pointed out her error and she has no intention of  
24 letting her husband speak on her behalf. She pointed out that some of the traffic  
25 that people are concerned with at this time is likely from the site visits of the  
26 Commissioners. She mentioned that some traffic is generated by individuals who  
27 mistakenly believe the street provides access to Highway 217, adding that when it  
28 does not, they get upset, turn around and drive faster coming out, emphasizing that  
29 this is not part of Mr. Jonas' traffic. She mentioned that the street is at least 1000  
30 feet long, adding that crime is still an issue in their neighborhood.  
31

32 Commissioner Bode requested clarification of how the security vehicles provide a  
33 deterrent if they are not visible.  
34

### 35 **APPLICANT REBUTTAL:**

36  
37 Chairman Maks advised Mr. Jonas that his rebuttal can only be in response to any  
38 public testimony.  
39

40 Mr. Jonas emphasized that the security vehicles are not pursuit vehicles, and  
41 pointed out that people do not automatically assume that a police officer who  
42 sometimes pursues vehicles would speed in his own vehicle. He pointed out that  
43 the security vehicles were parked in the cul de sac in direct view at one point. He  
44 stated that when his business and profit margin expand he has every intention of  
45 relocating. He mentioned that it is within the conditions imposed within his Home  
46 Occupation Permit for his office worker to make eight or ten trips in and out of the

1 site on a daily basis. He pointed out that one of the marked vehicles had been  
2 broken down and had been parked there temporarily, adding that they had received  
3 permission. He concluded, stating that he would have been happy to have had any  
4 of these individuals contact him personally to attempt to resolve any problems.

5  
6 Mr. Liefeld discussed the conditions of the Home Occupation Permit, observing  
7 that Condition of Approval No. 2 is not a condition particular to this case. It is a  
8 restatement of the code, which only allows one non-resident employee to work on  
9 the premises some or all of the time. All drivers fall into this category and would  
10 violate the approved criteria for the Home Occupation Permit.

11  
12 On question, Mr. Naemura had no comments at this time.

13  
14 The public portion of the Public Hearing was closed.

15  
16 Chairman Maks expressed his appreciation of Mr. Jonas, adding that he had done  
17 a good job of presenting his case and that he feels that he is sincere. Observing  
18 that he is glad that the speeding situation has subsided, he mentioned the poor  
19 timing this afternoon when he encountered the driver of the white unmarked car  
20 driving from the site, adding that he had slowed down as he approached the "Are  
21 You a Safe Driver?" sign. Observing that it is permissible for the administrative  
22 aide to make ten trips each day, he pointed out that the average for a residence is  
23 9.7 trips per day. He stated that he is in support of upholding the decision of the  
24 Planning Director and denying the appeal, based upon traffic volume, signage and  
25 employees.

26  
27 Commissioner Heckman expressed his support of the decision to deny the appeal.

28  
29 Commissioner Dunham expressed her support of the decision to deny the appeal,  
30 adding that while she is glad the speeding problem has decreased, the high  
31 employee turnover may be part of the problem.

32  
33 Commissioner Bode expressed her support of the decision to deny the appeal,  
34 commented that the applicant and the neighbors should be commended for  
35 bringing the issue through the proper channels.

36  
37 Commissioner Barnard concurred with Chairman Maks, stating that a  
38 neighborhood needs to be a neighborhood and that Mr. Jonas should continue his  
39 mission to resolve the issues and that he has a right to earn a living in a manner  
40 that is compatible with the surrounding community.

41  
42 Commissioner Voytilla expressed his support of the decision to deny the appeal,  
43 emphasizing that there are ways to mediate this problem and expressing his  
44 appreciation of the public testimony that was received.

45

1 Commissioner Johansen stated that the testimony had been well prepared and  
2 sympathized with Mr. Jonas' efforts to start a business, adding that it is difficult to  
3 be successful. He stated that the code is clear regarding the issues with traffic and  
4 employees, and expressed his support of the decision to deny the appeal.

5  
6 Commissioner Johansen **MOVED** and Commissioner Heckman **SECONDED** a  
7 motion to deny APP 2000-0009 – Cascade Enforcement Agency (Appeal of HOP  
8 2000-0002), based upon the testimony, reports and exhibits presented during the  
9 public hearing on the matter and upon the background facts, findings and  
10 conclusions found in the Staff Report dated July 26, 2000 and further to affirm the  
11 Planning Director's decision.

12  
13 Motion **CARRIED**, unanimously.

14

15 **MISCELLANEOUS BUSINESS:**

16

17 The meeting adjourned at 10:02 p.m.

CALENDAR:

1				
2	August	9	Public Hearing	CPA 98-00011
3				TA 99-00010 ANNEXATION POLICY AMENDMENT
4			Public Hearing	CPA 99-00017
5				CPA 99-00018 TREE INVENTORY UPDATE
6			Public Hearing	CPA 99-00013
7				TA 99-00004 WILDLIFE HABITAT & TREE PRESERVATION
8			Public Hearing	RZ 2000-0006 HANDON ROAD & 135 <sup>TH</sup> AVENUE REZONE
9		16	Public Hearing	CPA 99-00015
10				TA 99-00006 TITLE 3 WATER QUALITY/FLOOD MGMT.
11			Public Hearing	CPA 99-00014
12				TA 99-00005 GOAL 5 RIPARIAN/WETLAND PROTECTION
13		23	Public Hearing	TA 2000-0004 TITLE 4 IMPLEMENTATION
14		1		TA 99-00006 FLOOD MAP REVISION